IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

Crl.Rev.Pet.No. 1004 of 1998()

CRA. NO.186/1997 OF THE IIIRD ADDL.SESSIONS COURT, ERNAKULAM.
C.C. NO.523/1991 ON THE JUDICIAL 1ST CLASS MAGISTRATE'S COURT,ERNAKULAM. DT. 8.7.1997.

REVN. PETITIONER: APPELLANT/ ACCUSED

K.PARAMESWARAN NAIR,
NILAMEL VEEDU,
VATTIYOORKAVU, THIRUVANANTHAPURAM.

BY ADV. SRI.V.N.ACHUTHA KURUP (SR.)
SRI.BINDU SREEKUMAR

RESPONDENTS: RESPONDENTS/ COMPLAINANT & STATE
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1. THE REGISTRAR, HIGH COURT OF KERALA.

2. STATE OF KERALA, REP.BY THE DIRECTOR OF PROSECUTIONS, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.DILEEP

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CMP. NO.5034/1998 IN CRL.RP. NO.1004/1998

DISMISSED

26.06.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.S. TO JUDGE

tss

K.R. UDAYABHANU, J.

CRL.R.P. NO. 1004 of 1998

Dated this the 26th day of June, 2007

ORDER

The revision petitioner stands convicted for the offence under section 193 IPC and sentenced as modified by the appellate court to undergo simple imprisonment for one year and to pay a fine of Rs.5000/- and in default to undergo simple imprisonment for 2 months.

2. The revision petitioner has pleaded for leniency pointing out that the incident has taken place in 1989 and that the revision petitioner/accused has been facing the proceedings so far and living under the shadow of the sentence of impending imprisonment. Almost 18 years have elapsed since the commencement of the proceedings. The counsel has also produced a medical certificate wherein it is mentioned that the revision petitioner is suffering from Diabetes and recurrent Cellulites and unable to move. He is aged 68 years.

3. On a perusal of the decisions of the courts below and the evidence adduced in the matter, I find no reason to interfere. The conviction is confirmed. The sentence is modified to imprisonment

till the rising of the court and to pay a fine of Rs.5000/- and in default to undergo simple imprisonment for 6 months.

The revision petitioner shall appear before the JFCM-I, Ernakulam on 30-7-2007 to receive the sentence.

The Crl.R.P is disposed of accordingly.

K.R.UDAYABHANU,JUDGE.

Kvm/

K.R.UDAYABHANU, J.

CRL.R.P. NO. 1004 OF 1998

ORDER

26-6-2007.